



## Czech Republic

### Country Reports on Human Rights Practices - [2003](#)

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The Czech Republic is a constitutional democracy with a bicameral Parliament. Following free and fair elections in June 2002, Prime Minister Vladimir Spidla's left-of-center Social Democrat Party joined forces with the centrist Christian Democrat and center-right Freedom Union parties to form a coalition government. On February 28, Parliament elected Vaclav Klaus as President. The judiciary is independent.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service, reports to the Parliament and the Prime Minister's office through the Foreign Minister. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country's economy was market based, and its population was approximately 10.2 million. The economy grew by 2.7 percent through September. Inflation decreased to 0.1 percent, while wages grew by 6.3 percent. The workforce was employed primarily in industry, retail trade, and construction. While overall unemployment was 10.3 percent, unemployment among the Romani population was estimated at over 70 percent. Those able to find employment worked primarily in low-paying jobs.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Occasional police violence and use of excessive force remained a problem. Long delays in trials were a problem. There was some violence and discrimination against women and children. Occasional skinhead violence and discrimination, particularly with respect to housing, against Roma remained problems. Romani children continued to be sent to special schools for children with mental or social disorders at a disproportionate rate. Trafficking in women and children was a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

#### b. Disappearances

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports that police used excessive force, particularly against Roma.

On February 21, six police officers in the northwestern town of Litvinov physically abused a Romani man, according to a Roma rights organization. Responding to a report of a domestic disturbance, the officers allegedly forced their way into the man's house, sprayed tear gas into his eyes, and then repeatedly hit him on the head with truncheons until he lost consciousness. The case was under investigation at year's end.

On May 12, five off-duty officers in the northeastern Bohemian town of Jicin allegedly broke into the home of the Danis family, who are Roma, shouted racial insults, and beat Ljubica Danisova, her 17-year old son, and her pregnant daughter. On May 20, the Inspectorate of the Ministry of the Interior opened an investigation on the case. Two officers were charged in the crime and dismissed from their positions, although the investigation concluded there was no evidence of racism. A trial was scheduled for early 2004.

There were reports that police and prosecutors increasingly recognized that there were ethnic and racial motives for crimes; however, some observers criticized the police for their ineffectiveness in investigating such crimes (see Section 5).

On June 27, a Karlovy Vary court ruled that a 2001 beating of a Romani man by five police officers was not racially motivated. Two defendants were acquitted, and three received 10-month suspended sentences. The verdict was widely criticized by human rights groups, as well as by the government's human rights commissioner.

There were no developments in the 2001 case of a police officer in Ostrava who was charged with assaulting a suspect during questioning.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. However, there was overcrowding in many prisons, and the prison population increased during the year. By December, the prison system was at 112 percent of capacity. Women and men were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The State Police are responsible for enforcing the law and were generally effective in doing so, although some instances of police corruption were reported. The Ministry of Interior oversees the police. The Inspectorate of the Ministry of Interior is responsible for investigating allegations of police misconduct. During the year, the Government continued an active effort to recruit Roma to serve in law enforcement and improve police relations with the Roma community (see Section 5).

In January, an amendment to the Criminal Code placed Inspectorate investigations under the supervision of the State Attorney. Critics charged that the amendment, while an improvement, has not ensured that cases of abuse and misconduct have been promptly and impartially investigated. According to the Ministry of Interior, the number of investigated cases of abuse of authority by police and Ministry officials, including corruption, declined slightly in 2002, from 390 to 376. Cases of bribery declined from 203 to 171. Cases of corruption were most prevalent in traffic and insurance fraud investigations.

Suspects were apprehended openly, with warrants based on sufficient evidence and issued by a prosecutor, and brought before an independent judiciary. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel, although they may not contact family members.

The law allows bail except for certain serious crimes.

Under the law, pretrial detention may last no longer than 4 years and then only for cases considered "exceptionally grave" under the Criminal Code. Lengthy pretrial detention and long delays in trials were problems and were primarily due to judicial inefficiency, financial constraints and staff shortages. In practice, few pretrial detainees were held for longer than 2 years. The average length of pretrial detention was 130 days. A suspect may petition investigating authorities at any time for release from detention.

The law prohibits forced exile, and the Government did not employ it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. Structural and procedural deficiencies, as well as a lack of training and resources, hampered the effectiveness of the judiciary. There were allegations of judicial corruption, particularly surrounding bankruptcy and commercial courts.

The lack of qualified judicial staff combined with an evolving legal environment contributed to a backlog of cases. Approximately half of appealed cases were returned to lower courts for retrial. In the last 5 years, the European Court for Human Rights (ECHR) delivered five decisions against the country related to excessive length of court proceedings.

Judges are nominated by the Minister of Justice and appointed for life by the President. The Senate must confirm Constitutional Court judges. In contrast with previous years, most judicial positions were filled.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. The separate Constitutional Court has final authority for cases concerning the constitutionality of legislation.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and conducted with a jury. Defendants have the right to be present and the right to timely consultation with an attorney. The Government provided lawyers for indigent defendants in criminal and some civil cases. Defendants could confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments against them. The law extends the above rights to all citizens.

The Office for the Documentation and Investigation of the Crimes of Communism continued to investigate actions taken by government authorities and the Communist Party during the 1948-89 Communist regime. On August 18, a regional court in Brno halted the prosecution of former state security agent Pavel Minarik on charges of plotting an attack on the Munich headquarters of Radio Free Europe in the mid-1970s. The State Attorney appealed the decision to the Supreme Court. On October 13, the High Court sentenced Karel Hoffmann to 6 years in prison for his role in halting radio broadcasts during the 1968 Warsaw Pact invasion. On December 12, a Prague district court delivered suspended sentences to 9 of 10 senior state security officials for participation in anti-dissident raids. The tenth defendant, Petr Zak, received a 3-year sentence. Zak and one other defendant have appealed their verdicts.

There were no reports of political prisoners.

Since the fall of the Communist regime, the country has enacted laws to allow for restitution of property confiscated during the Nazi and Communist regimes. However, restitution or compensation was restricted to citizens. This restriction unfairly impacted some Czechs who obtained citizenship in one country where a bilateral treaty on naturalization required them to forfeit their Czech citizenship. The restriction was lifted in 1997, although by that time the deadlines for filing claims had passed. Efforts to reopen the period for filing restitution claims have failed due to the reluctance of many legislators to revisit this controversial issue and the fact that many of the properties in question have already been restituted to more distant claimants.

There were no instances in which the Government failed to enforce court orders with respect to restitution or compensation for takings of private property under domestic law. However, the ECHR ruled on December 2 that delayed court proceedings adversely affected a citizen's restitution claims.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The print media were independent and published a wide variety of views without government interference; however, there were restrictions on certain types of propaganda.

The broadcast media were independent. There were 3 national television stations--1 public (with 2 separate channels) and 2 private--and more than 61 private radio stations, in addition to Czech Public Radio. The leading television channel, Nova, was privately owned. Citizens also had access to foreign broadcasts via satellite, cable

and the Internet.

A 13-member Council for Radio and Television Broadcasts had limited regulatory responsibility and answered to the parliamentary media committee, which exercised broad oversight of the Council and approved its members. The Council could issue and revoke radio and television licenses and monitors programming. There was also a nine-member Czech Television Council charged with oversight of public television. Critics accused Prime Minister Spidla of political interference when he met with the Council Chairman on the eve of a February 25 vote to appoint a new station director. Spidla and Parliament dismissed the Council in April for failing to elect a new director.

The law calls for prison terms of between 6 months and 3 years for persons who deny that the Nazi Holocaust or the Communist genocide took place. The law also prohibits the incitement of hatred based on race, religion, class, nationality, or other group affiliation.

On October 7, a district court in Sumperk in northern Moravia acquitted Communist activist David Pecha on charges of supporting a movement leading to the suppression of citizens' rights and freedoms and inciting panic and criminal slander. Pecha had repeatedly called for imposition of a dictatorship of the proletariat, nationalization of industry and capital, and a return to Communist rule. He had also labeled several prominent politicians "criminals and traitors."

There were no developments in the 1999 case of journalist Zdenek Zukal, who was charged with criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc.

The Government did not restrict access to the Internet or academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, it may legally restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of participants. Permits normally are required for demonstrations, but police rarely interfered with spontaneous, peaceful demonstrations.

During the year, skinhead and neo-Nazi groups organized rallies, protests and concerts, and the police closely monitored their activities. The 2001 case of eight persons arrested in connection with a skinhead concert was pending at year's end.

The law prohibits political party activity of any kind at universities.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the Interior Ministry, but there was no evidence that this registration was either coercive or arbitrarily waived.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

All religious groups officially registered with the Ministry of Culture are eligible to receive limited tax benefits or government subsidies, depending on the size of their membership and length of presence in the country. However, some declined government financial support as a matter of principle and as an expression of their independence. There were 25 officially recognized groups, 4 of which registered during the year.

The Ministry of Culture oversees the registration process. Several unregistered religious groups have criticized the law as prejudicial to smaller religions. Some critics also argued that completing registration at the second-tier level necessary for government subsidies would be difficult to attain due to the 10-year observation period.

Unregistered religious groups, such as the small Muslim minority, may not legally own communal property but often formed civic-interest associations for the purpose of managing their property and other holdings. The Government did not interfere with this type of interim solution. Unregistered religious groups otherwise were free to assemble and worship as they choose, and their members issued publications without interference.

On October 7, the Constitutional Court ruled that the Ministry of Culture improperly interpreted the registration law in failing to register a religious enterprise operated by the Catholic Church in the North Moravian town of Lipnik nad Bečvou. The Ministry argued that the charity was operating nursing facilities and that the registration law did not provide for establishment and maintenance of medical facilities. The Court ruled that the Ministry of Culture did not have the right to deny the registration of religious charities.

A small but persistent and fairly well-organized extreme rightwing movement with anti-Semitic views existed. On October 21, unknown vandals damaged gravestones at the Jewish cemetery in Turnov in eastern Bohemia. On November 8, police in the northern Bohemian town of Krupka apprehended two youths painting Nazi symbols on a monument to the victims of a World War II death march. On November 9, an unknown vandal upturned 15 tombstones of Jewish girls who died in a Nazi concentration camp at Trutnov in eastern Bohemia. The Ministry of Interior continued a forceful effort to counter the movement, which included monitoring of its activities, cooperating with police units in neighboring countries, and concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

There were 65 Czech asylum applications in the United Kingdom through September compared to 1,295 during the same period in 2002. The significant decrease in applications was largely due to the United Kingdom's imposition of a list of "safe countries of transit," which included the Czech Republic, and much more rapid case processing. British pre-inspection controls continued at Prague's international airport. Romani activists criticized the controls as "racist" because they appeared to target Roma. In October 2002, a British human rights group lost its case when a British judge ruled that pre-screening at Prague's international airport did not violate national law and was "no more or less objectionable than a visa control system." The group stated its intention to appeal.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government also provided temporary protection for some persons who did not qualify as refugees or asylees. It cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. However, the Ministry of Interior was criticized for its practice of informing embassies of other countries of their undocumented illegal nationals with protection concerns. This policy received particular scrutiny when, in November, Czech Foreigners Police escorted Iranian asylum applicant Alia Reza Yadollahi to the Iranian Embassy to verify his identity.

By October, the Government received approximately 9,638 asylum applications and granted asylum to approximately 182 persons. A law on asylum establishes a list of "safe countries of origin" from which applicants are unlikely to be granted refugee status. While the law is meant to discourage applicants from countries that observe human rights and democratic institutions, it does not prevent applications or the granting of asylum. Applicants whose cases have been denied may appeal to the relevant regional court, and the Government must abide by the court's decision.

The Government fully funded an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers were provided for recognized refugees. While conditions at the refugee camps were good, there were reports of poor conditions at detention centers for illegal migrants in Balkova and Velke Prilepy, particularly respecting unaccompanied minors.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

The June 2002 elections for the Chamber of Deputies and the November 2002 Senate elections were widely considered free and fair.

Prime Minister Vladimir Spidla's government, which took office in 2002, consisted of the Prime Minister's left-of-center Social Democrat Party, the centrist Christian Democrat Party, and the center-right Freedom Union Party. The Constitution mandates elections to Parliament at least every 4 years based on proportional representation. The President was elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may veto legislation and return it to the Chamber of Deputies, which may then override that veto by a simple majority of all members.

The "Lustration" (vetting) Law prohibited many former Communist Party officials, People's Militia members, and suspected secret police collaborators from holding a wide range of elected and appointed offices, including senior positions in state-owned companies, academia, and the media. The law is scheduled to expire in January 2004.

There were 34 women in the 200-seat Chamber of Deputies and 9 women in the 81-seat Senate. The Government had two female Cabinet members.

There were no members of minorities in the Chamber of Deputies, the Senate, or the Cabinet; one justice on the Constitutional Court was an ethnic Slovak. Most of the estimated 150,000 to 175,000 Roma were not fully integrated into political life (see Section 5). Few Roma served in local government, although some were appointed to advisory positions in government ministries.

#### Section 4 Governmental Attitude Regarding International Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Human Rights Commissioner served as head of the government Committee for Nationalities and of the Government Council for Romani Community Affairs. A Council for Human Rights, which consisted of 10 representatives from government ministries and 10 human rights activists, advised the Government on human rights issues and proposed legislation to improve the observation of human rights in the country.

Former Justice Minister Otakar Motejl served as "Public Rights Protector" or Ombudsman. Appointed by the Chamber of Deputies, Motejl, a political independent, addressed citizens' complaints of violations of civil and human rights and freedoms by government entities. By the end of September, the Ombudsman's Office had received 3,007 requests for assistance. The Ombudsman has no legal power to sanction offending individuals or offices, but did provide a means of alternative dispute resolution and often mediated between citizens and government offices.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, gender, disability, language or social status; however, societal discrimination against women and Roma persisted.

##### Women

The extent of violence against women was unknown; however, some studies indicated that it was more common than publicly acknowledged. ROSA, a nongovernmental organization (NGO) that provides direct assistance to victims of domestic abuse, estimated that 1 in 10 women in domestic situations were emotionally or physically abused and that 30 percent of the abusers were university-educated. According to a 1999 survey by White Circle of Safety, an association for crime victims, approximately 50 percent of incidents of domestic violence were associated with alcohol, 34 percent with a domestic disagreement, and 30 percent with mental illness on the part of the abuser. Only 21.5 percent of domestic violence victims notified police or turned to the police for assistance.

On December 11, Parliament amended the Criminal Code to recognize domestic violence as a distinct crime, punishable by up to 8 years in prison. The bill goes into effect on June 1, 2004. Prior to the amendment, the law did not specifically address spousal abuse; however, the Criminal Code covered other forms of domestic violence. An attack was considered criminal if the victim's condition warranted medical treatment for 7 days or more and caused the victim to miss work. If medical treatment was necessary for less than 7 days, the attack was classified as a misdemeanor and punished by a fine of not more than approximately \$109 (3,000 crowns), an amount roughly equivalent to a quarter of the average monthly wage. Repeated misdemeanor attacks did not result in stricter

sanctions against the abuser.

The police trained some specialized personnel to handle cases of domestic violence. The police did not work regularly with welfare and medical services. However, training materials to help police officers improve the identification and investigation of domestic violence and sexual abuse cases and to help sensitize them in the treatment of victims of abuse were introduced into both the introductory and continuing education curriculums. A local NGO provided police with pamphlets to give victims informing them of their rights, options, and organizations that provide assistance. In April, White Circle of Safety trained 40 police officers on dealing with victims of domestic violence and avoiding secondary victimization.

According to Elektra, a crisis center for abused women, rape victims and victims of abuse could seek psychological counseling through a number of hotlines and crisis centers, including the White Circle of Safety, which provided free psychiatric and legal counseling, and Riaps, a hotline that counseled persons who had suffered some form of abuse. According to NGOs, there were 107 state-supported shelters located in most major cities and towns that took in women who were victims of rape or abuse. NGOs also provided medical and social assistance to women on a local level. NGOs reported that there were not enough spaces available in shelters to meet the demand.

According to police statistics, there were 597 rapes reported countrywide by the end of November. According to the Ministry of Justice, there were 147 convictions for rape throughout the country in 2002. Researchers and NGOs estimated that approximately 3.3 to 7 percent of rape victims filed reports with the police. According to experts, both rape and domestic violence were greatly underreported. There were no laws specifically addressing spousal rape.

Gender studies experts reported that women were ashamed to report or even speak about rape, and that police often were neither appropriately trained nor behaved in a helpful manner toward rape victims. The Ministry of the Interior offered a training program in protocols for investigating family violence and sexual offenses in order to improve police responsiveness and prosecution efforts.

Prostitution is legal, while pimping is prohibited by law; however, local communities have the right to regulate prostitution and enforce restrictions on it. The Interior Ministry estimated that up to 25,000 persons worked in the sex industry during the year. Prostitution and sex shops were prevalent, particularly in regions bordering Germany and Austria where international vehicular traffic was heaviest. Romani women and women in the high unemployment zones of northern Moravia and Bohemia were at the greatest risk of being drawn into prostitution.

Trafficking in women was a problem (see Section 6.f.). The Government maintained a comprehensive awareness and prevention program designed to address problems of trafficking, abuse, and violence against women.

The labor law prohibits sexual harassment, which is defined as unwanted, inappropriate, or offensive sexual behavior, the acceptance or rejection of which could be interpreted by the employee being harassed as affecting his or her status in the workplace. Studies have concluded that approximately one-half of all women have experienced sexual harassment in the workplace.

Women and men are equal under the law, and, in principle, women enjoyed equal property, inheritance, and other rights with men. By law, women receive equal pay for equal work. Although women constituted approximately half of the labor force, they were employed disproportionately in professions with a lower median salary than were men. Women's median wages lagged behind those of men by almost 25 percent. The Council for Equal Opportunities for Men and Women monitored gender issues and advised the Government on its efforts to enforce equal gender rights.

The law prohibits discrimination based on gender, and repeated offenses are punishable by fines of up to approximately \$36,300 (1 million crowns); however, in practice, employers were free to consider gender, age, or attractiveness when making hiring decisions and often blatantly used these factors in advertising jobs and making employment decisions. The unemployment rate for women exceeded that for men (11.2 percent to 8.7 percent), and a disproportionately small number of women held senior positions.

In May, the Government amended a resolution that set priorities and procedures for the enforcement of gender equality in the workplace. Among the changes was an increased focus on incorporating gender equality into government media policy; a requirement to adopt concrete measures to balance gender representation in governmental management positions; and an increased focus on women in rural areas.

Among the active women's rights groups were Feminismus.cz and ProFem. The former actively promoted women's

rights and gender studies programs, while the latter supported more grassroots-level organizations throughout the country.

#### Children

The Government was committed to children's welfare; it funded programs for health care and basic nutrition and provided free and compulsory education through age 15 (through age 14 in special schools). Public education was available through the university level. Girls and boys enjoyed equal access to health care and education at all levels. Language and cultural barriers frequently impeded the integration of Romani children into mainstream schools. While the Government reported that approximately 90.6 percent of children attended school, official estimates indicated that less than 20 percent of the Romani population completed ninth grade, and less than 5 percent completed high school. A significant number of Romani children were transferred at an early age to "special schools" for the mentally ill and socially maladjusted after a psychological exam.

According to unofficial government estimates, 60 percent or more of pupils placed in these special schools were Romani children, although less than 3 percent of the population were Roma. Graduates of the "special schools" were not restricted from attending secondary schools. However, the special school curriculum did not prepare students to pass the tests required to transfer to mainstream schools. Human rights organizations condemned the practice of placing Romani children in special schools as perpetuating their marginal position in society. Some Romani parents did not send their children to school regularly due to fear of violence and the expense of books and supplies. Children were assigned to "special schools" based on poor results on the examination.

Many districts with high concentrations of Roma held year-long programs (so-called "zero grades") to prepare Romani children for their first year in school; these programs were funded by the Government and administered by local NGOs. More than 100 "zero grades" operated throughout the country. Some districts tracking local Romani students reported that up to 70 percent of the children who attended "zero-grade" training successfully entered and remained in mainstream schools.

In addition, Romani teaching assistants were placed in primary and special schools to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. Bilingual Romani-Czech language textbooks were used in 60 elementary schools to help overcome the cultural and language differences between Romani children and non-Romani-speaking teachers. The Ministry of Education commissioned a textbook for use in schools on the cultural and historical roots of the Romani minority and on successful members of the Romani community. Local NGOs supported additional studies and private initiatives to prepare Romani children for mainstream schools.

The Ministry of Interior reported a slight increase in the number of reported child neglect and welfare cases. There were 11,629 such cases through the end of November, compared with 11,571 during the same period in 2002. The Fund for Endangered Children estimated that the total number of children suffering from physical, psychological, or sexual abuse was between 20,000 and 40,000. Between 50 and 100 children died each year from domestic violence.

Laws criminalize family violence, physical restraint, sexual abuse, and other forms of abuse of minors (the age of majority in the country is 15 years). In May, Parliament passed a law creating a juvenile court system for criminal offenders 15 years and younger. In June, the Government hosted the World Congress on Family Violence and, in September, conducted a child rights protection seminar in connection with the Our Child Foundation. There was a Children's Crisis Center that was 70 percent government-supported.

In October, the German UNICEF office published a report drafted by a German social worker that characterized the region along the border with Germany as a "haven for pedophilia." While both Czech and foreign officials disputed the scope of the problem, Germany and the Czech Republic formed a liaison group to increase communication and exchange information on vice crimes, augmenting a 2000 agreement on police cooperation.

Trafficking in children continued to be serious problem (see Section 6.f.).

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. However, persons with disabilities suffered disproportionately from unemployment. Businesses in which 60 percent or more of the employees were persons with disabilities qualified for special tax breaks, and the Government provided transportation subsidies to citizens with disabilities.



The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. However, many buildings and means of public transportation remained inaccessible to those in wheelchairs, although access did improve during the year. In Prague, 24 of the 50 metro stations were wheelchair-accessible; however, most of those stations were in the suburbs, and the majority of stations in the city center remained inaccessible. A growing number of bus lines were accessible to persons with disabilities. Tramlines in the west Bohemian city of Pilzen were wheelchair-accessible. Children with physical disabilities lacked barrier-free access to most public schools, although there was at least one barrier-free school in each district.

A mental disability advocacy NGO criticized the continued use of cage beds at certain hospitals around the country. No laws or regulations exist at the national level to deal with the use of cage beds or other restraints.

#### National/Racial/Ethnic Minorities

After ethnic Slovaks, the largest minority was the Romani population, officially estimated at between 150,000 and 175,000. Roma lived throughout the country but were concentrated in the industrial towns along the northern border. Roma suffered disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease.

Members of skinhead organizations and their sympathizers were the most frequent perpetrators of interethnic violence, particularly against Roma and other "dark-skinned" persons. An estimated 5,000 skinheads were active in the country. Some observers believed that the actual figure was higher. Reports to police of "racially motivated or extremist crimes" have continued to increase in recent years, and police and prosecutors increasingly recognized that there were ethnic and racial motives for many crimes. However, some observers cited judicial inconsistency in dealing firmly with racially and ethnically motivated crimes as a continuing problem.

On March 7, two skinheads assaulted the Human Rights Commissioner, Jan Jarab, in a Prague metro station after he came to the defense of a black man they were beating. Dr. Jarab criticized the police for their ineffectiveness and apparent lack of interest in investigating the incident.

On June 28, three drunken youths attacked a Romani couple in their home in the north Moravian town of Jesenik. The youths slashed the husband in the face and chest with a knife and hit his wife in the eye with a cobblestone. A police spokesman stated that the attack appeared to be racially motivated. A court decision in the case was pending at year's end.

On March 4, the High Court in Prague sentenced Vlastimil Pechanec to 17 years in prison for the racially motivated murder in 2001 of a 29-year-old Rom, Oto Absolon, in the town of Svitavy.

The following cases remained pending at year's end: The August 2002 beating of two Roma in Prerov and a July 2002 attack on two Roma at a gasoline station in Ostrava.

The Romani community and the Human Rights Commission continued to call for the removal of a pig farm on the site of a former Romani concentration camp at Lety.

Roma who wished to integrate into mainstream society faced practical difficulties in the areas of employment and education. Precise figures for unemployment among Roma were unavailable, but the rate was disproportionately high, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refused to hire Roma and asked local labor offices not to send Romani applicants for advertised positions. The law prohibits hiring and employment discrimination based on ethnicity. No enforcement statistics were available, although there were instances of decisions and settlements in favor of Romani complainants. Under the law, individual Roma do not have the right to file discrimination complaints; such action must come from governmental authorities. The stereotype of Roma was that they were qualified only for low-paying jobs, such as manual laborers, since so few completed secondary education.

Roma also faced discrimination in housing and other areas of everyday life. Despite constitutional prohibitions against discrimination, a framework to implement those provisions in civil law was not incorporated to address specific offenses under the Criminal Code. Some restaurants, bars, and other public places refused service to Roma and posted signs prohibiting their entry. Human rights groups reported that many municipalities, including the central Bohemian town of Slany and the northeast Bohemian town of Jaromer, have attempted to force Romani families to leave. They reportedly employed such tactics as evicting Roma from municipally owned homes for alleged lapses in rent payments or coercing Roma to sign agreements that they did not understand, which were used to curtail their existing housing contracts. While the Human Rights Commissioner criticized such practices

publicly, the law allows municipalities substantial autonomy to take such actions.

On July 29, the Government settled a long-standing legal dispute by agreeing to pay a Romani family approximately \$32,700 (900,000 crowns) as compensation for its loss of housing in 1993 and the protracted court proceedings that followed. City officials in Usti nad Labem, where the family now resides, publicly criticized the family and threatened to make a claim on the settlement for debts they say the family owes the city.

A higher-than-average percentage of the Romani population applied for partial or full disability pensions because of the relatively high incidence of serious and chronic illnesses among their population. To a large extent, this situation resulted from lack of access to basic and preventive health care. Some Romani parents refused to allow their children to receive compulsory vaccinations. Some Roma were refused treatment by general practitioners who had full quotas of subsidized patients. NGOs and some health and education professionals working to improve living conditions for the Roma had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves had limited success in organizing their own communities, which often were disunited and suspicious of outsiders.

In a continuation of its Plan for Roma Integration, the Government allocated several million dollars (tens of millions of crowns) at various times throughout the year for projects designed to promote integration of the Romani community. Allocations supported construction of community centers and educational assistance to minorities.

Roma continued to face discrimination in education.

The Inter-Ministerial Commission for Roma Community Affairs, which included 12 government and 14 Romani representatives, as well as the Commissioner for Human Rights and his deputy, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors. The Commission also promoted positive initiatives in housing, education, and discrimination.

The Ministry of Foreign Affairs' Roma Affairs Coordinator continued to function as the Ministry's liaison with Romani groups, NGOs, and the diplomatic community.

During the year, the Government continued an active effort to identify, train, and recruit qualified Roma to serve in law enforcement. Police trainees continued to attend the national police academy's course in Romani language and culture, designed to improve police officers' communications with and response to the Romani communities in their precincts.

The Human Rights Commission's "Project Tolerance" continued its annual national campaign against xenophobia and racism. Teams of ethnically mixed foreigners, refugees, asylum seekers, Roma, and members of the majority population, traveled around the country to share their experiences, customs and cultures with secondary school students and to donate literature on ethnic minorities to public libraries.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers with the right to form and join unions of their own choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 25 percent of the workforce was unionized, although union membership continued to decline during the year. Most workers were members of unions affiliated with the Czech-Moravian Chamber of Trade Unions (CMKOS). The CMKOS was a democratically oriented, nationwide umbrella organization for branch unions. It was not affiliated with any political party and carefully maintained its independence.

The law prohibits anti-union discrimination, although there were instances of employers taking anti-union action. Employers are required to reinstate workers fired for union activity if found guilty of anti-union discrimination, though the court procedure was generally slow. A law is scheduled to enter into force in January 2004 that would allow employers to dismiss trade union officers without prior authorization from the union. There were no restrictions on trade union contacts with regional, national or international labor organizations, and unions developed a wide range of ties with international trade union bodies.

Common discriminatory practices included firing union leaders, refusing to permit trade union members to be present at meetings between employees and management, refusing to provide office space for unions, forcing

trade union members to cancel their memberships, offering money in exchange for dissolving union organization within a company, disparaging trade unions in statements to employees, conducting special "checks" on trade union members, and refusing to withhold trade union dues.

#### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The 2003 International Confederation of Free Trade Unions Annual Survey of Trade Union Rights stated that some employers attempted to prevent workers from organizing by means of direct and indirect pressure.

The scope for collective bargaining was more limited for civil servants, whose wages were regulated by law.

Workers have the legal right to strike, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, fire fighting, and telecommunications. Workers in these industries have access to mediation. The law requires that labor disputes be subjected first to mediation and that strikes would take place only after mediation efforts failed. The law requires trade unions to provide employers with the names of strikers at least one day before a strike. There were no major strikes during the year.

There are no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, trafficking in persons was a problem (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (for persons with mental disabilities and the "socially maladjusted") may work at the age of 14. Employment conditions for children aged 15 to 18 were subject to strict safety standards. These regulations were enforced in practice. In May 2004, a clause in the labor law that allows children under the age of 15 to work in family-owned businesses and farms is scheduled to expire.

#### e. Acceptable Conditions of Work

The Labor Ministry sets and enforces minimum wage standards. The national minimum wage was approximately \$225 (6,200 Czech crowns) per month, and it provided a decent standard of living for a worker and family. The law provides for a 40-hour work week and requires a paid break of at least 30 minutes during the standard 8 hour workday and between 4 and 8 weeks of paid vacation, depending on profession. Subject to the consent of the employee, employers may establish mandatory overtime not to exceed 8 hours per week, although the local employment office may permit additional mandatory overtime. The Labor Ministry enforces standards for working hours, breaks, and paid vacation.

The Government, unions, and employers promoted worker safety and occupational health standards, but conditions in some heavy industry sectors did not meet these standards, particularly in enterprises still awaiting privatization.

The Office of Labor Safety was responsible for enforcing health and safety standards. Workers had the right to refuse work endangering their life or health without risking the loss of their employment. The law treats foreign workers the same as other workers in terms of wages and working conditions, although in practice undocumented foreign workers generally did not receive equal treatment. Many foreign workers, particularly from Slovakia and Ukraine, worked in the construction industry.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however trafficking in women and children for the purpose of sexual exploitation was a problem.

The penalties for trafficking are generally commensurate with those for rape and sexual assault. Convicted

traffickers may receive prison sentences of up to 12 years. The Government investigated and prosecuted cases of trafficking in persons, although the conviction rates were low. According to police statistics, 7 persons were arrested and 15 prosecuted for trafficking as of November. The Ministry of Interior and the Organized Crime Division of the State Police had responsibility for combating trafficking.

Organizing prostitution and pimping are also illegal and punishable by a prison term of up to 12 years if the victim is under the age of 15. Dissemination of child pornography in print, or on video, CD-ROM, or the Internet is a criminal act; laws against child pornography were generally enforced. During the year, the police took more effective measures to prevent sex tourism involving children, maintaining patrols in high-risk areas, enforcing curfew-type policies more actively, and raising public awareness of the problem through the media. Despite increased police efforts, press reports still indicated that, in many border regions, sex tourism involving adolescent minors continued. Convictions of sexual abusers of children were reported routinely in the media.

The Government cooperated extensively with other Central and East European countries, the EU, and other foreign countries in the investigation and prosecution of trafficking cases.

The country was a source, transit point, and destination for trafficking in persons, primarily women and girls for sexual exploitation. Women and girls from the former Soviet Union (in particular, Russia, Belarus, Ukraine, and Moldova), Eastern Europe, the Balkans, and Asia were trafficked into the country and onward to Western Europe and the United States for prostitution. Czech women and girls were trafficked to other European countries. Foreign minors were believed to be exploited in the commercial sex trade. There was some evidence of a small amount of internal trafficking of primarily Romani women and children for prostitution from areas of low employment to border areas with Germany and Austria. Press and government reports indicated that the country remained a popular destination for pedophiles due to its location and the common misperception of a low risk of sexually transmitted disease. A small number of men were trafficked to the United States for coerced labor.

Trafficked women were frequently offered jobs as models, maids, waitresses, and dancers, and then forced into prostitution. Once in a destination country, traffickers withheld the victims' travel documents and used isolation, violence, threats of violence, and the threat of arrest and deportation to ensure compliance.

Most traffickers were members of organized crime groups. Such groups were from Russia, Bulgaria, the former Yugoslavia, and East Asia and worked in cooperation with individual Czechs, Slovaks and, less often, Austrians and Germans.

Police maintained close contact with the International Organization for Migration and other NGOs in order to provide services to trafficking victims. Foreign victims were treated as illegal immigrants and either detained or ordered to leave the country within 30 days; however, foreign victims could be offered temporary residence if they agreed to testify against a trafficker. Those detained were sometimes deported, but more often were eventually released and ordered to depart the country within 30 days.

The Government did not provide direct assistance to victims, but referred them to NGOs that provided such assistance. The Government provided funding to some of these NGOs. La Strada was the primary domestic NGO providing services to victims and conducted awareness campaigns for girls and women at risk of being trafficked. Citizens who were trafficked to other countries often could not receive government assistance upon their return because their identity documents were stolen or taken by traffickers. Returnees also frequently were hesitant to go to their families or public social service providers for help because of the stigma attached to having been trafficked.

The Crime Prevention Division of the Interior Ministry implemented a national media campaign on the dangers of trafficking, as well as an informational program in schools targeting 13- and 14-year-olds.